

**LEGISLATIVE SERVICES AGENCY  
OFFICE OF FISCAL AND MANAGEMENT ANALYSIS**

301 State House  
(317) 232-9855

**FISCAL IMPACT STATEMENT**

**LS 7363**

**BILL NUMBER: SB 280**

**DATE PREPARED:** Dec 30, 1998

**BILL AMENDED:**

**SUBJECT:** Protecting old cemeteries from desecration.

**FISCAL ANALYST:** Brian Tabor

**PHONE NUMBER:** 233-9456

**FUNDS AFFECTED:** ☒ **GENERAL**  
☒ **DEDICATED**  
**FEDERAL**

**IMPACT:** State & Local

**Summary of Legislation:** This bill requires that the person effecting disinterment, removal, and reinterment of a grave give 60 days written notice to the decedent's next of kin and publish the notice in a newspaper of general circulation. It also requires the person effecting the removal of graves to file a certificate of removal facts with the county recorder in the county from which the graves were removed and the county in which reinterment is made. The certificate of removal facts must list information contained on the gravestone or other markers, such as the birth date, death date, and family name.

The bill also requires that all expenses associated with the disinterment, removal, acquisition of the new burial site, and reinterment be paid by the person effecting the disinterment, removal, acquisition, and reinterment. The person effecting the disinterment, removal, and reinterment must ensure that the site for reinterment is suitable and reasonably accessible to relatives of the decedent. The disinterment, removal, and reinterment be performed under the supervision and direction of the county executive or the county executive's designee. This bill requires that due care be taken to furnish suitable coffins or boxes for reintering human remains and to remove, protect, and replace all gravestones or other markers.

**Effective Date:** July 1, 1999.

**Explanation of State Expenditures:** This bill makes certain requirements concerning the relocation of human remains to new grave sites. It establishes that the person or entity effecting the removal is responsible for all costs involved, including disinterment, removal, reinterment, and the acquisition of the new burial site. The bill also requires that public notice of the relocation be provided in the local newspaper(s) and that the person effecting the removal must also cover the expenses incurred (up to \$200) by one of the deceased's next of kin in attending the relocation process.

The Indiana State Department of Health must develop rules relating to the certificates required under this proposal. The Department must also develop the form to be used for these certificates of removal facts. No

additional funding or resources would be necessary for the Department to meet these requirements.

If a state agency effects the relocation of human remains, this bill requires that the disinterment, removal, and reinterment be performed by a licensed funeral director, with costs to be borne by the state. The state would also be responsible for any other related costs, such as providing public notice and acquiring the new gravesite. However, it is unlikely that the state will incur significant additional costs as a result of this proposal. The Department of Health reports that it issues about 100 orders permitting the relocation of human remains each year. Most of these are requested by family members, and only four to seven grave relocations are conducted annually for other reasons, including the development of property or public interest.

**Explanation of State Revenues:** Any person violating the provisions of this bill would commit a Class B misdemeanor. If additional court cases occur and fines are collected, revenue to both the Common School Fund and the state General Fund could increase. The maximum fine for a Class B misdemeanor is \$1,000. Criminal fines are deposited in the Common School Fund. If the case is filed in a circuit, superior, county or municipal court (courts of record), 70% of the \$120 court fee that is assessed and collected when a guilty verdict is entered would be deposited in the state General Fund. If the case is filed in a city or town court, 55% of the fee would be deposited in the state General Fund.

**Explanation of Local Expenditures:** Under this proposal, the party effecting the relocation of a grave must submit a certificate of removal facts to the recorder of the county in which the remains are removed and reinterred. County recorders are authorized to collect a filing fee to help cover the costs associated with processing these certificates. All disinterment, removal, and reinterment of remains must be done under the supervision of the executive (or the designee of the executive) of the county where the act takes place. As previously stated, there are only about 100 grave relocations annually in Indiana. Local governments should not need additional funding or resources to meet these requirements.

Violating the provisions of this bill would constitute a Class B misdemeanor which is punishable by up to 180 days in jail. The average daily cost to incarcerate a prisoner in a county jail is approximately \$44.

**Explanation of Local Revenues:** If additional court actions occur and a guilty verdict is entered, local governments would receive revenue from the following sources: (1) The county general fund would receive 27% of the \$120 court fee that is assessed in a court of record. Cities and towns maintaining a law enforcement agency that prosecutes at least 50% of its ordinance violations in a court of record may receive 3% of court fees. If the case is filed in a city or town court, 20% of the court fee would be deposited in the county general fund and 25% would be deposited in the city or town general fund. (2) A \$3 fee would be assessed, and if collected would be deposited into the county law enforcement continuing education fund. (3) A \$2 jury fee is assessed, and if collected, would be deposited into the county user fee fund to supplement the compensation of jury members.

**State Agencies Affected:** Indiana State Department of Health.

**Local Agencies Affected:** Trial courts, local law enforcement agencies, county recorders and executives.

**Information Sources:** Barbara Stultz, Vital Statistics, Indiana State Department of Health, (317) 233-7523.